

§ 603.1

AUTHORITY: 5 U.S.C. 552a; 22 U.S.C. 2581; and 31 U.S.C. 9701.

SOURCE: 61 FR 51593, Oct. 3, 1996, unless otherwise noted.

§ 603.1 Purpose and scope.

This part 603 contains the regulations of the U.S. Arms Control and Disarmament Agency implementing the provisions of the Privacy Act of 1974, 5 U.S.C. 552a. In addition to containing internal policies and procedures, these regulations set forth procedures whereby an individual can determine if a system of records maintained by the Agency contains records pertaining to the individual and can request disclosure and amendment of such records. These regulations also set forth the bases for denying amendment requests and the procedures for appealing such denials.

§ 603.2 Definitions.

As used in this part:

(a) *Act* means the Privacy Act of 1974, 5 U.S.C. 552a.

(b) *ACDA* and *Agency* mean the U.S. Arms Control and Disarmament Agency.

(c) *Privacy Act Officer* means the Agency official who receives and acts upon inquiries, requests for access and requests for amendment.

(d) *Deputy Director* means the Deputy Director of the Agency.

(e) *Individual* means a citizen of the United States or an alien lawfully admitted for permanent residence;

(f) *Maintain* includes maintain, collect, use, or disseminate;

(g) *Record* means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the name of, or the identifying number, symbol, or other identification particularly assigned to, the individual, such as a finger or voice print or a photograph;

(h) *System of records* means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, sym-

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bol, or other identification particularly assigned to the individual;

(i) *Statistical record* means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13 U.S.C.; and

(j) *Routine use* means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 603.3 Policy.

(a) It is the policy of the Agency that only such information about an individual as is relevant and necessary to accomplish a purpose of the Agency required to be accomplished by statute or by executive order of the President shall be maintained in an Agency record. No information about the political or religious beliefs and activities of an individual will be maintained within such records unless specifically authorized by statute or by the subject individual, or unless pertinent to and within the scope of a law enforcement activity.

(b) The Agency will not disclose any record that is contained in a system of records to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record is:

(1) To those officers and employees of the Agency who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act, as amended (5 U.S.C. 552);

(3) For a routine use, notice of which has been published in accordance with the Act;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 U.S.C.;

(5) To a recipient who has provided the Agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is

to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record that has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his/her designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Agency that maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) Except for disclosures of information to Agency employees having need for the information in the official performance of their duties or required under the provisions of the Freedom of Information Act, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure and the name and address of the person or agency to whom the disclosure is made. Each such disclosure, unless made to agencies engaged in law enforcement activities in accordance with paragraph (b)(7) of

this section, will be made available to the individual upon request.

(d) To the greatest extent practicable, information that may result in an adverse determination about an individual shall be collected from that individual, and the individual will be informed of the purposes for which the information will be used and any rights, benefits, and obligations with respect to supplying the data.

(e) The Agency shall ensure that all records that are used by the Agency to make a determination about any individual are maintained with such accuracy, relevance, timeliness and completeness as is reasonably necessary to assure fairness to the individual. Whenever information about an individual contained in an Agency record is used or disclosed, the custodian of the system of records in which the record is located will make every effort to ensure that it is accurate, relevant, timely and complete.

(f) The Agency shall establish appropriate administrative, technical, and physical safeguards to ensure that records are disclosed only to those who are authorized to have access to them and to protect against any anticipated threats or hazards to their security or integrity that would result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

(g) Agency records pertaining to an individual shall be made available to that individual to the greatest extent possible.

(h) No lists of names and addresses will be rented or sold unless such action is specifically authorized by law, provided that names and addresses otherwise permitted to be made public will not necessarily be withheld when requested.

(i) All requests for information under the Privacy Act received by the Agency will be acted upon as promptly as possible.

§603.4 Requests for determination of existence of records.

Any individual desiring to know whether any system of records maintained by the Agency contains a record pertaining to the individual shall send a written request to the Privacy Act